



Public Notice

Applicant:

Schafer Management
Company Inc.

Date:

Published: May 6, 2004

Expires: June 4, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE: 98-479-0015(1)** **Section: OH 10 and 404**

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

This is a republication of the Public Notice originally published March 12, 2004. After publishing the first public notice it was discovered that many adjacent property owners were left off the original mailing list as well as a clerical error in the heading that identified the Gravel Bar Yacht Club as the applicant instead of Mr. Schafer.

Mr. Don Schafer, 1471 Lear Industrial Parkway, Avon, Ohio, 44011 is proposing to construct the Gravel Bar Peninsula Development, which would consist of 26 single-family homes and docks on a portion of a 50 acre parcel of land in East Harbor, Danbury Township, Ottawa County, Ohio. The project site is located west of Gravel Bar Road and east of East Harbor State Park.

The applicant is seeking authorization from the Department of the Army to fill 6.5 acres of Federal jurisdictional vegetated shallows (dominated by eurasian water milfoil (*Myriophyllum spicatum*) to construct a peninsula 1635 ft. long X 260 ft. wide and install a 5 ft. diameter culvert pipe for water circulation. This peninsula would be created by extending the existing 735 ft. long X 125 ft. wide peninsula an addition 900 ft. long and 135 ft. wide. It would be created by installing sheetpiling around the exterior of the area and backfilling behind the sheetpiling with clean fill from an upland source. The peninsula would be located approximately 150 to 160 ft. north of the southern parcel boundary and 225 to 250 ft. south of the northern parcel boundary. The applicant is proposing to attach a maximum of 50 ft long X 4 ft. wide floating dock to each lot. The applicant is also seeking authorization to dredge an additional 12 acres of Federal jurisdictional vegetated shallows to deepen the water approximately three feet around the constructed peninsula and existing common waterway to the south to allow for safe navigation. This would result in dredging a total of 58,500 cubic yards of material and disposing of it at an established upland site (See Sheet 6 of 6).

To compensate for the impacts on the Federal jurisdictional vegetated shallows, the applicant is proposing to: 1) create 0.45 acres of fish habitat with large rock 1-2 ft in diameter; 2) enhance 0.45 acre of

aquatic bed by planting American lotus in this area; 3) perform eurasian water milfoil control using selective herbicide; 4) provide funds to Metropolitan Park District of Toledo for the purchase of parcel of land that contains high quality, Category 3, wetlands of the historic Irwin Prairie complex; 5) place a permanent conservation easement on 26 acres of the project site which would include Monkey Island and the vegetated shallows to the east including the 6.7-acre American lotus bed.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Richard J. Ruby, who can be contacted by calling (716) 879-4109, or by e-mail at: richard.j.ruby@lrb01.usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet (2 of 6). This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project, if any, has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Richard J. Ruby, or by e-mail at: richard.j.ruby@lrb01.usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both

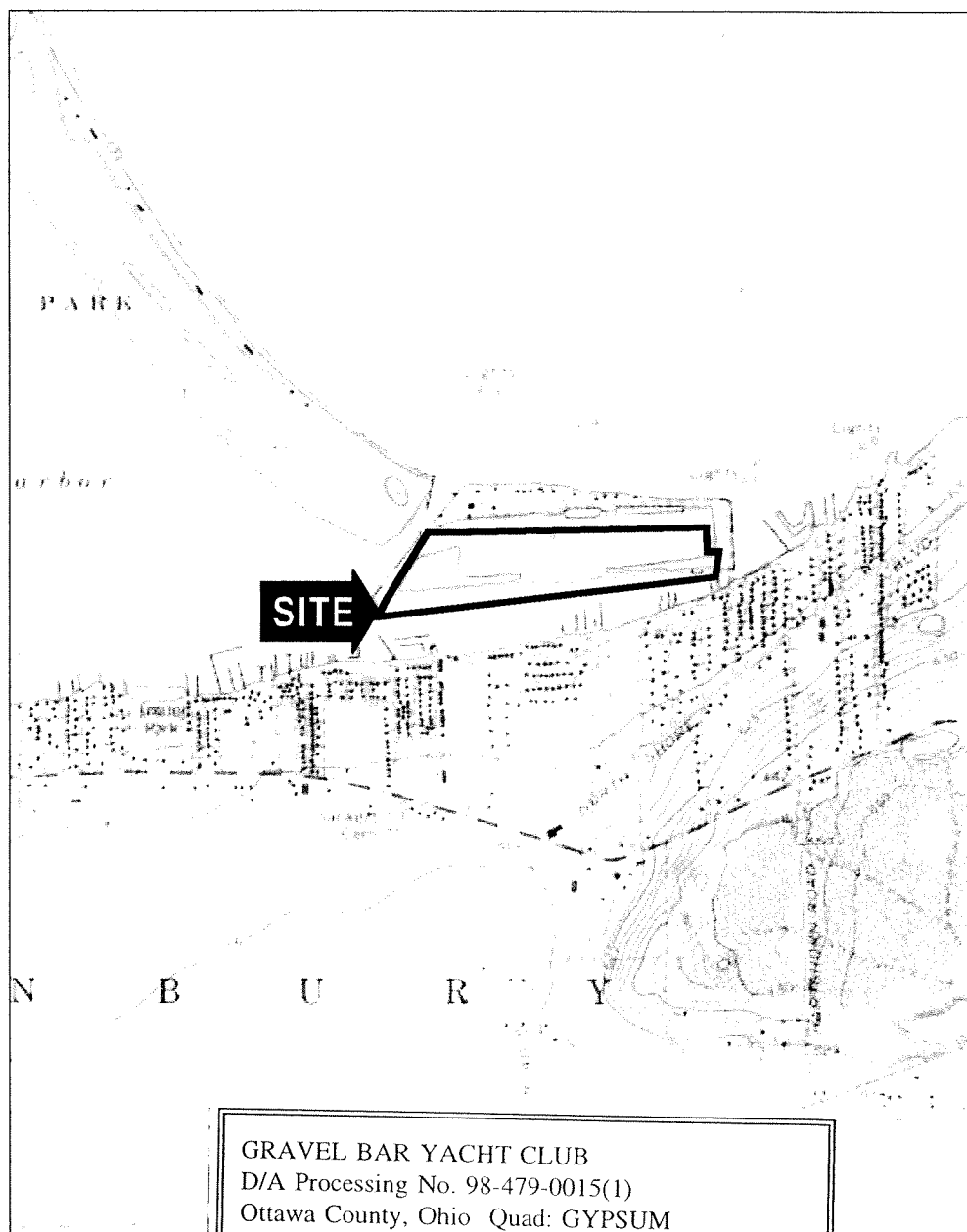
protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Thomas C. Switala
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



GRAVEL BAR YACHT CLUB
D/A Processing No. 98-479-0015(1)
Ottawa County, Ohio Quad: GYPSUM
Sheet 1 of 6

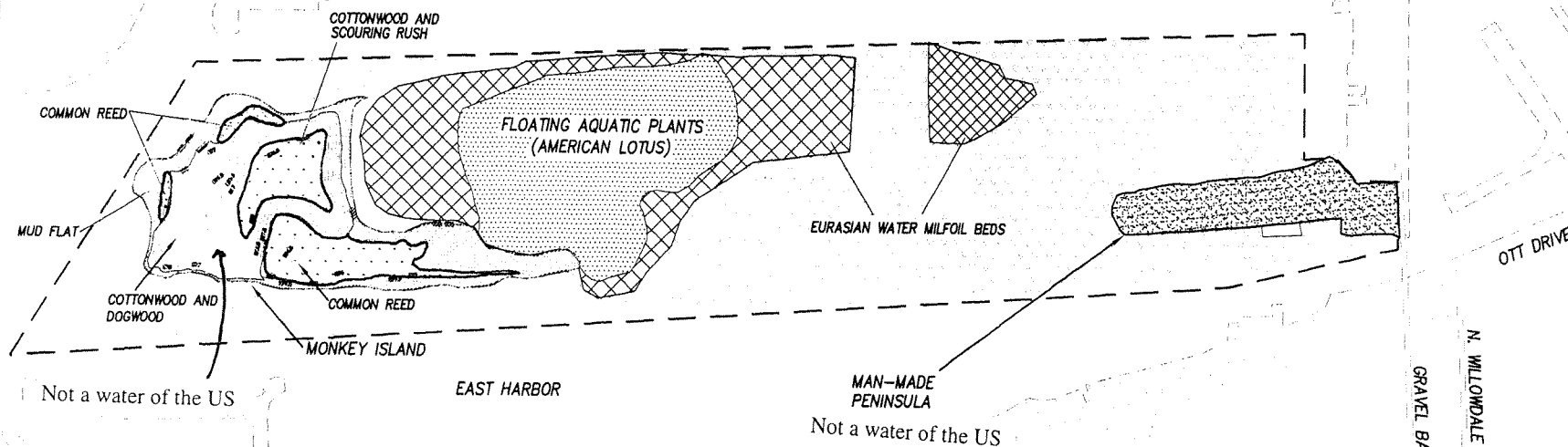


QUADRANGLE LOCATION

GYPSUM QUADRANGLE
OHIO - OTTAWA
7.5 MINUTE SERIES (TOPOGRAPHIC)

EAST HARBOR STATE PARK

LAKE ERIE



LEGEND

- | | |
|---|---|
| --- DELINEATION LIMITS | COTTONWOOD AND DOGWOOD UPLAND (2.50 ACRES) |
| [Pattern] WETLAND (2.23 ACRES) | [Pattern] FLOATING AQUATIC PLANTS (6.70 ACRES) |
| [Pattern] MUDFLATS (2.0 ACRES) | [Pattern] EURASIAN WATER MILFOIL DOMINATED BEDS (6.50 ACRES) |
| [Pattern] PENINSULA (OLD FILL) (2.30 ACRES) | [Pattern] SUBMERGED EURASIAN WATER MILFOIL DOMINATED BEDS (27.52 ACRES) |
| | [Pattern] SHALLOW WATER (0.45 ACRE) |

TOTAL JURISDICTIONAL WATERS = 45.40 ACRES
TOTAL UPLAND = 4.80 ACRES

THIS MAP REPRESENTS
CONDITIONS OBSERVED ON 6/5/03

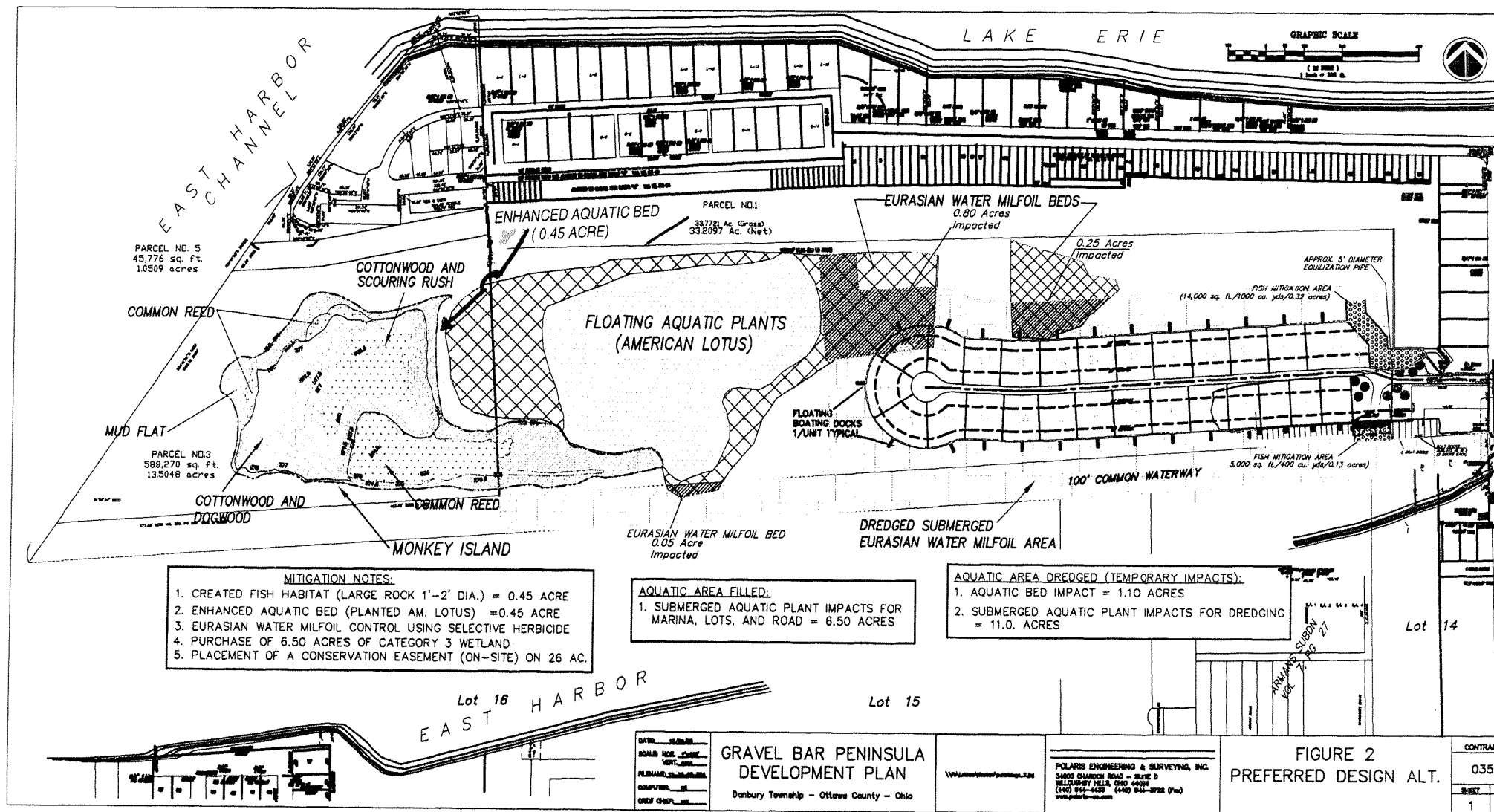
GRAPHIC SCALE



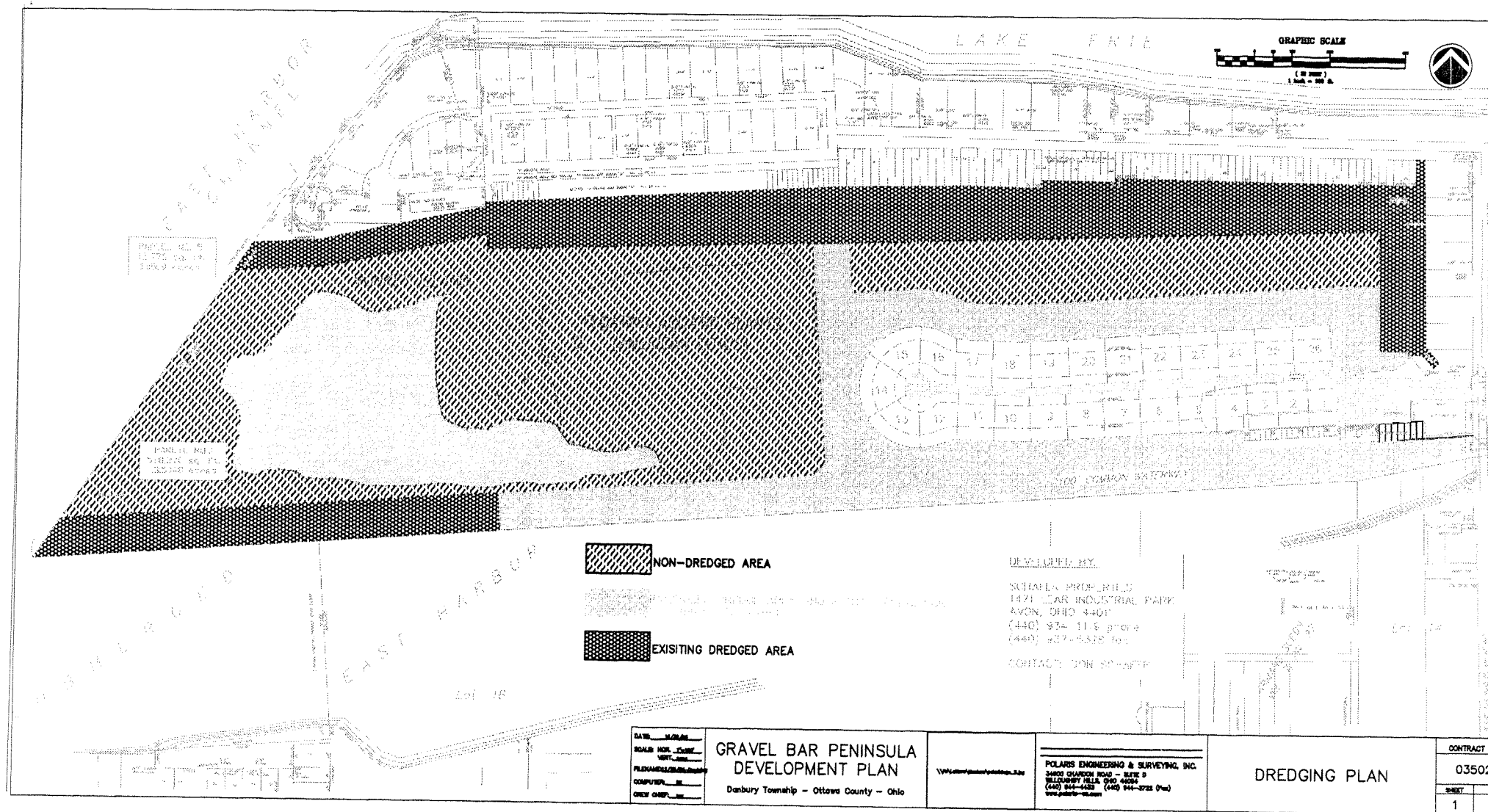
(IN FEET)
1 inch = 300 ft.

GRAVEL BAR YACHT CLUB
D/A Processing No. 98-479-0015(1)
Ottawa County, Ohio Quad: GYPSUM
Sheet 2 of 6

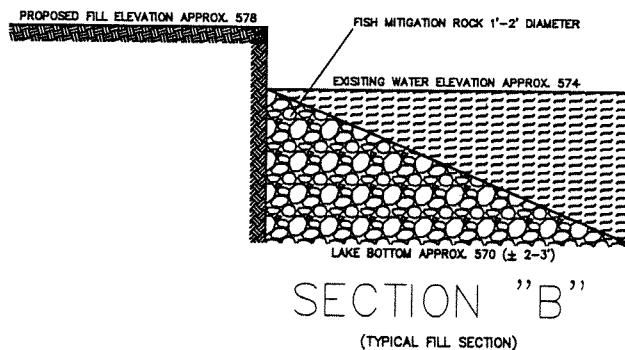
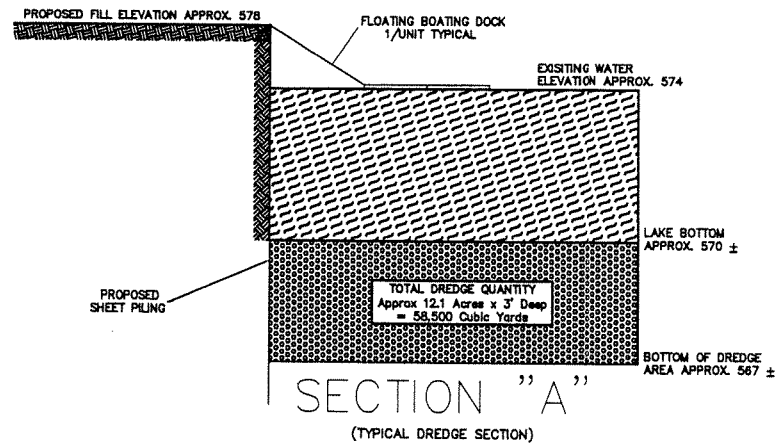
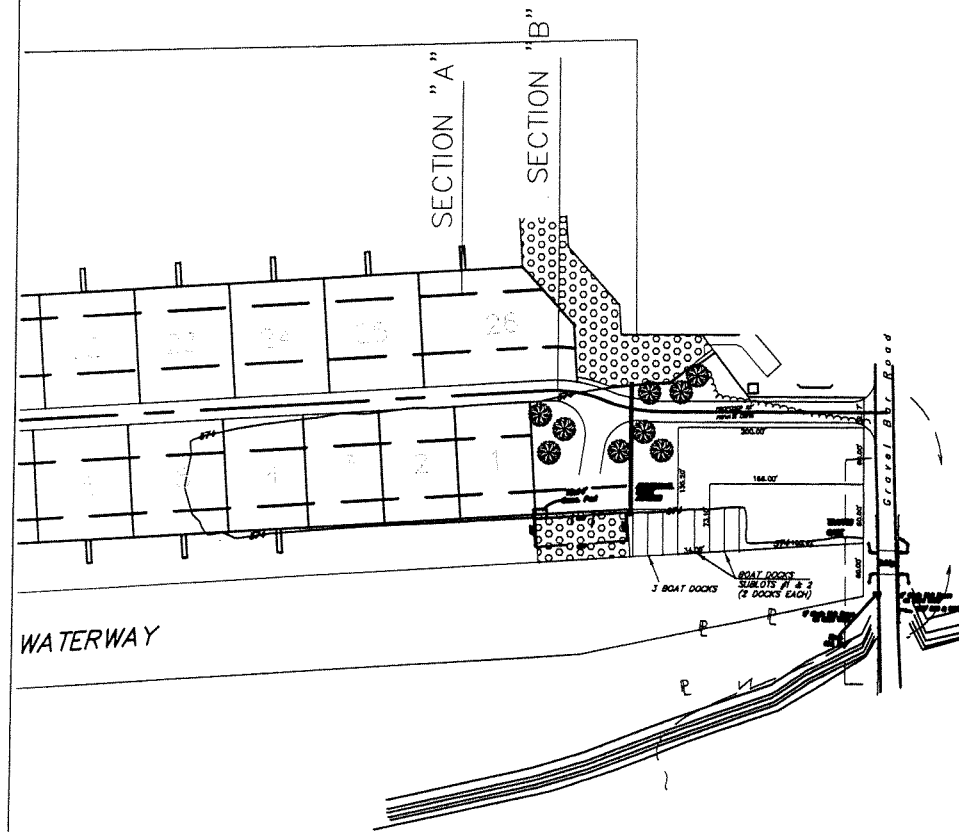
PROJECT No: 02213



GRAVEL BAR YACHT CLUB
D/A Processing No. 98-479-0015(1)
Ottawa County, Ohio Quad: GYPSUM
Sheet 3 of 6



GRAVEL BAR YACHT CLUB
D/A Processing No. 98-479-0015(1)
Ottawa County, Ohio Quad: GYPSUM
Sheet 4 of 6



GRAVEL BAR YACHT CLUB
D/A Processing No. 98-479-0015(1)
Ottawa County, Ohio Quad: GYPSUM
Sheet 5 of 6

CHAGRIN VALLEY
ENGINEERING, LTD.
20000 FOWLER ROAD, SUITE 8
CLEVELAND, OHIO 44148
TEL (216) 451-1000
FAX (216) 451-1001



NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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PREFERRED DESIGN
ALTERNATIVE
DETAILS

DESIGNED BY
CHECKED BY
DATE 02/03/04
SCALE
SHEET

PROJECT NUMBER
02213
GRAVEL BAR
YACHT CLUB

SHEET
TOTAL SHEETS

